

BOARD OF INQUIRY INTO THE MCCRAE LANDSLIDE

Statement of Nicholas James Moran

I, Nicholas James Moran of
Technology Director, say as follows:

I/S

1. I am one of the registered owners of the property located at 3 Penny Lane, McCrae in the State of Victoria (the **Property**). I own the Property jointly with my wife, Kellie Anne Moran.
2. I make this statement to provide the Board of Inquiry with my recollections of the landslides that occurred at my Property on 5 and 14 January 2025.

The Property

3. The Property was a three-storey house situated on Penny Lane in McCrae, directly in front of the property located at 10-12 View Point Road, McCrae. The Property is built on the slope that runs from roughly beach level at Point Nepean Road and Penny Lane, and the top of the McCrae Hill on View Point Road.
4. The entrance to the Property was located on the ground floor, which was elevated by a flight of stairs and fronted by a deck overlooking Penny Lane. To the left of the entrance to the Property was the parents' retreat and master bedroom with an ensuite. To the right of the entrance was a study / fourth bedroom and a cellar storage area. The garage and a large grass area were below the ground floor of the Property.
5. The second floor of the Property was comprised of a living and dining area to the right of the staircase. The living and dining area opened onto a large balcony, which faced the beach. To the left of the staircase was a hallway leading to two bedrooms and a bathroom. The laundry was situated at the start of the hallway, almost directly opposite the staircase.
6. The third floor of the Property contained a smaller living area and balcony.
7. A floor plan of the Property is annexed to this Statement and marked "NM-1".

Purchase of the Property

8. Kellie and I entered into the Contract for Sale to purchase the Property on 9 March 2023 for \$2.085 million. We had previously sold a business that I had established at the age of

18 years, and operated for 29 years. We used funds from the sale of our business to purchase the Property as a holiday home for us to enjoy with our three children and potentially, to live in once we had retired.

9. Annexed and marked "NM-2" is a Title Search of the Property confirming Kellie and I are its registered owners.
10. Kellie and I attended an inspection of the Property on 3 March 2023 and were shown through the Property by Grant McConnell, the Director of Belle Property Dromana (**Belle Property**). Throughout the inspection, Kellie and I asked Mr McConnell general questions about the Property. Overall, I was impressed by it.
11. As we drove home from the inspection, Kellie told me that from the second-floor balcony of the Property, she had seen a temporary fence at the top of Penny Lane West, visible from the corner of the retaining wall in front of our Property, opposite the driveway leading to the garage. She told me that she had asked Mr McConnell why there was a temporary fence there and Mr McConnell responded that there was work being undertaken at a neighbouring property and did not provide any more detail. I was not satisfied with Mr McConnell's response to Kellie's question.
12. Kellie searched "Penny Lane, McCrae" on Google and found several articles about a landslide that had occurred in the area in late 2022. Kellie told me that the articles indicated that a large amount of rain at that time had caused a landslide. Prior to this, I had not been aware of any landslide occurring in the McCrae area.
13. Shortly after, I contacted Carol Charkas, a Sales Assistant from Belle Property, and told her that I was aware there had been a landslide in the vicinity of the Property in 2022 and wanted more information about whether the Property had been impacted by it. Ms Charkas acknowledged that there had been a landslide at that time and told me she would contact the Vendor of the Property to find out what impact (if any) it had had on the Property. I told Ms Charkas that Kellie and I would not purchase the Property unless we received information that gave us confidence any issues with the Property had been rectified.
14. On 5 March 2023, I received an email from Ms Charkas that referred to our previous conversation and forwarded to me the contents of an email that she had received from the Vendor of the Property. The Vendor's details and the date and time of the email were not included.

15. In his email to Ms Charkas, the Vendor explained that:

- (a) The landslide in 2022 had occurred at 10-12 View Point Road, following heavy rain.
- (b) Investigations indicated that it had most likely been caused by a combination of problems with the Council's drainage on View Point Road and a burst water pipe on the property at 10-12 View Point Road.
- (c) The burst water pipe had been repaired, and the Vendor's understanding was that the Council was to commence works on the drainage system shortly.

16. He stated:

We have been advised that plans for the repair of the slip and reinstatement of the laneway have been approved and will commence shortly.

There has been no impact on our property and we haven't been affected in any way.

Overall, it seems like it was an unfortunate one-off and is not expected to happen again.

17. The Vendor had also forwarded to Ms Charkas an email that he had received from Bardon Trebilco, a Civil Engineer employed by Mornington Peninsula Shire Council (the Council) dated 1 March 2023. That email referred to the "drainage case at 3 Penny Lane, in particular water coming off View Point Road" and otherwise stated:

I'm happy to advise drainage works, including installation of new pits and pipes and renewal of the kerb, and commencing very shortly.

We are currently awaiting material which should be arriving any day now and we are looking to commence right away.

The landslip issue is definitely a complicated one but the drainage works should definitely help resolve some of the overland flow issues off the infrastructure.

18. A copy of the email from Ms Charkas dated 5 March 2023 is annexed to this Statement and marked "NM-3".

19. My understanding of those emails was that the 2022 landslide had not occurred due to any issues with the Property itself, and had not caused any issues for the Property. It was a one-off event that had been caused by a burst water pipe at 10-12 View Point

Road, which had since been rectified, and drainage issues on View Point Road that the Council had identified and was remediating. This provided me with enough comfort to move forward with the purchase of the Property.

20. I had also arranged for the usual site inspections and property enquiries to be undertaken in respect of the Property, and was satisfied with the results of those enquiries. Specifically, I obtained a Property Report through Landchecker and received a Planning Certificate, Roads Property Certificate, Property Clearance Certificate, and water and sewer draining diagrams, amongst other things, in respect of the Property. None of those reports and / or certificates alerted me to any drainage or other issues associated with the Property. I also made enquiries with our insurer, RACV Insurance (RACV), and confirmed there was no Planning Scheme Overlay or exorbitant insurance premium payable in respect of the Property.
21. Copies of the relevant reports and certificates that I received in respect of the Property are annexed to this Statement and marked "NM-4".
22. Having regard to those matters, Kellie and I proceeded with the purchase of the Property, which was completed on 5 May 2023.
23. We did not undertake any renovation works to the Property following settlement, as no such works were required. I installed smoke detectors and ceiling fans, and Kellie arranged for the inside of the Property to be fully furnished. The front of the Property had already been landscaped prior to us purchasing it, and the back of the Property was covered in trees and vegetation and too steep for us to access in any case.
24. Once we had furnished the Property, I began to use it frequently. I work from home and so I often travelled to the Property to work from there for several days at a time. Kellie and I and our children spent the June 2023 school holidays and the September 2023 school holidays at the Property, and we often spent weekends at the Property with our extended family and friends.
25. I recall learning, in a conversation with Jon McLean in around December 2023, that some of our neighbours remained displaced from their homes following the 2022 landslide. I saw Jon from time to time, thereafter, and in the brief conversations I had with him, I came to understand that there were ongoing disputes amongst some of our neighbours and the Council concerning remediation works that had been required following the 2022 landslide. I did not know any specific details and to the best of my knowledge, the issues affecting my neighbours' properties did not affect our Property. As such, I was sympathetic to my neighbours but remained unconcerned about the Property.

5 January 2025 Landslide

26. In the weeks leading up to 5 January 2025, the Property was rarely vacant. Kellie and I and our children were often there and when we were not, various friends and family stayed there.
27. On 5 January 2025, our extended family who had stayed with us the previous night, left the Property and, Kellie and I went out for an early dinner with our children. Immediately after dinner, our son left McCrae to drive back to Melbourne for work the next day. Shortly afterwards, at approximately 7.30 pm, I also left McCrae and started driving back to Melbourne with our youngest daughter, Keira, as she too was returning to work the following day. Kellie and our older daughter, Isabella, returned to the Property.
28. Approximately 15 minutes into the drive, I received a telephone call from Kellie who stated that I needed to return to the Property. Kellie said words to the effect of "*I think we've had a landslide*". Having never experienced a landslide, I did not fully comprehend what Kellie was telling me. Kellie told me that the laundry had completely caved in and the situation was serious. I immediately turned the car around and drove back to the Property.
29. Keira and I arrived at the Property at around 8.05 pm and I saw that there were several Victoria State Emergency Service (**VicSES**) responders walking through the Property. I saw Kellie and Isabella standing outside the Property and spoke with them first to ensure their safety and wellbeing. I cannot recall precisely what I did next as I was in a state of shock. However, I remember that:
 - (a) I spoke with some of the VicSES responders shortly after I had arrived. They told me that South East Water (**SEW**) had switched off water to the house but that water continued to travel through the Property and they were unsure of its source. They were trying to prevent the water running through the house at that stage, by using sandbags to divert the water around the back of the house and down its side, so that it would flow towards the retaining wall at the front of our Property.
 - (b) I entered the house to view the damage and saw that the laundry had been pushed completely into the hallway and there was water running through the second floor, down the internal stairs and onto the ground floor of the Property.
 - (c) At around the same time, a VicSES responder named Mark Daw introduced himself to me as the responder with command of the site. Mr Daw told me that he had been inspecting the properties above ours on View Point Road and

introduced me to a tradesman standing next to him, as *"the person who built the retaining wall at 10-12 View Point Road"*. I did not know what, if any, significance that held at that point in time. I knew that there had been construction works occurring at one of the neighbouring properties because I had heard the construction noise in the weeks prior to 5 January 2025. However, I did not know where those works were occurring or the nature or extent of those works.

- (d) Mr Daw and the tradesman walked through the Property and when they exited, Mr Daw told me that the owner of 10-12 View Point Road was willing to speak with me about what had occurred. I now know the owner of that property to be Gerry Borghesi, but I had not met him prior to 5 January 2025 and I did not know why he was offering to speak with me. It appeared at that stage, as though land had slid down from his property into our Property and my assumption was that Mr Borghesi wanted to discuss that. In any case, Mr Daw sent me Mr Borghesi's contact details via text message at around 4.36 pm the following day. I did not contact Mr Borghesi at that time.

- 30. Later in the night, Kellie and I entered the Property to collect some of our personal belongings, and I recorded a short video of the inside of the Property on my phone. The video clearly shows the laundry having been pushed into the hallway of the second floor of the Property. The water travelling down the stairs from the second floor to the ground floor of the Property is both visible and audible. It was a consistent flow of water as opposed to a trickle. A copy of the video is annexed to this Statement and marked 'NM-5'.
- 31. Kellie, Isabella and Keira left the Property at approximately 9.30 pm to return to Melbourne, and I remained at the Property with the VicSES responders. I was still trying to make sense of what had occurred and I was not comfortable with the idea of leaving the Property unlocked whilst several people walked through it, in circumstances where we did not understand what had caused the landslide or what steps were to be taken to rectify the damage to our Property.
- 32. At approximately 9.50 pm, another VicSES responder arrived on site and introduced himself to me as David Goldfinch, the Regional Commander. Mr Goldfinch had travelled to the site from Melbourne. He reassured me that the VicSES was managing the situation and advised me to contact our insurance provider immediately.
- 33. On Mr Goldfinch's advice, I phoned RACV and reported to the operator I spoke with that there had been a landslide at the Property. The operator asked several questions to try to understand what had occurred and told me she was unable to categorise a 'landslide'

in the RACV computer system. By the end of the phone call, I understood a claims manager would make contact with me to discuss next steps.

34. The first representative from the Council to arrive at the Property was Matt Glover. He was introduced to me briefly as a Building Surveyor employed by the Council. I recall him telling me that a geotechnical engineer named Dane Pope was going to attend the Property. Mr Glover stated words to the effect that Mr Pope was the *"geotech who had worked on the Thredbo landslide"* and that we were *"in good hands"*. I do not recall whether Mr Pope attended the Property that night. I did not otherwise have any real discussion with Mr Glover about what had occurred, as by that point, there were multiple people at the property and multiple discussions were taking place at once. No one explained to me exactly what had happened or what the plan was for dealing with the damage to our Property. The extent of my understanding was that the VicSES and SEW were trying to ascertain the source of the water running through our house. I started to feel as though everyone else at the Property knew a lot more about what had happened than I did and no one was sharing that information with me.
35. Later in the evening, several of the VicSES responders told me that there was no reason for me to remain at the Property, and that someone would be in contact with me the following day. I left the property to return to Melbourne at around 11.00 pm. At that time, the flow of water at the Property had not varied or stopped at all and the VicSES were continuing to try to divert the water from running through our Property using sandbags. I do not recall whether Mr Glover was still at the Property when I left.

6 to 14 January 2025

36. In the days that followed and until 14 January 2025, I attended the Property almost every day (as explained in greater detail below). This was due to a combination of factors, including that:
 - (a) The Property was unlocked and accessible to others. This made me uncomfortable given that our furnishings and personal belongings remained inside.
 - (b) I did not know the cause of the landslide or what would be done to rectify the damage to our Property and it became apparent that the VicSES and the Council did not know the answers to those questions either.
 - (c) Various persons from the Council and RACV were visiting the Property at different times to inspect and assess it. We were not always told who would be attending the Property, what time they would be attending the Property, or for

what purpose. I wanted to be there to be able to speak with them and understand what was occurring.

37. Neither Kellie nor I were ever provided with an evacuation notice in the period between 6 January 2025 and 14 January 2025.

Monday 6 January 2025

38. On 6 January 2025, I returned to the Property at around midday. When I arrived, there were several VicSES responders there and some of them told me that they had been at the Property overnight. I went into the house to see if anything had changed from the night before and saw that the sandbags that had been used to divert the water from running through our house the previous night, were still intact and were successfully preventing the water from entering the house. The flow of water did not appear to me to have decreased at all from the night before. The VicSES responders had moved more of our furniture out of the way of the water that had entered our house the night before.
39. Kellie arrived at the Property at around 2.00 pm, around the same time that Mr Daw and Mr Glover arrived. Mr Daw told us that control of the situation had been handed over from the VicSES to the Council. The Council and the VicSES were still unsure where the water was coming from. I recall this being the first time that Mr Glover made mention of the possibility that the water was coming from a natural spring. He told us that the Council was arranging for dye testing to be carried out on the water, to ascertain its source.
40. Mr Pope visited the Property that day, but did not interact with me or Kellie. I saw him walking through the Property at various times, but he only spoke with Mr Glover.
41. At some point in the afternoon, our neighbour, Paul Willigenburg, saw Kellie and I standing outside our Property and came over to us to ask what had occurred. We had a brief discussion about the previous night's events. During that discussion, Mr Willigenburg told us that, in December 2024, he had noticed the drains along the bottom of Penny Lane filling with water. He thought that was strange given there had been no rain in the area and had reported the issue to the Council in December. To the best of my knowledge, Mr Willigenburg had not received a response from the Council as at 6 January 2025. I relayed that information to Mr Glover who confirmed he was not aware of any such report having been made.

Tuesday 7 January 2025

42. I returned to the Property again on 7 January 2025 as the RACV had arranged for an assessor to attend the Property that day. There was no one else there.
43. When the assessor arrived, he introduced himself to me as Mark Finningham from MidCity Group, and I walked through the Property with him. I recall Mr Finningham asking me if a retaining wall had fallen away and I told him that had not occurred. Mr Finningham then discontinued the inspection and said words to the effect of "*this situation is above my pay grade*". He confirmed he would escalate the matter to his superiors.
44. I remained at the Property for most of the day. The diversion of water that the VicSES had created using sandbags was no longer preventing the water from entering the Property and so I moved furniture around to try to mitigate damage from the water and mud that was inside the Property.

Wednesday 8 January 2025

45. On 8 January 2025, Kellie and I and our children, together with family and friends were at the Property from around 9.30 am until 1.00 pm, removing furniture and other belongings from the Property. This was because the RACV had informed me that Kellie and I did not have home contents insurance, such that our furnishings were not protected. This caused me to panic and want to remove as much as possible from the Property, to avoid us incurring any further damage and loss. There were multiple people inside the Property that day, walking up and down stairs and carrying heavy things.
46. Throughout the course of the day, Kellie alerted me to the McCrae Community Facebook page, and a post she had seen on it about a pothole on Charlesworth Street that continued to fill with water. Residents had been posting about the pothole and the need for it to be rectified in December 2024. Given that the source of the water at our Property was still unknown, I sent screenshots of the posts to Mr Glover at around 12.30 pm.
47. Annexed and marked "**NM-6**" are the screenshots that I sent to Mr Glover on 8 January 2025.
48. We all left the Property to have lunch at around 1.00 pm. Kellie returned to the Property at around 2.00 pm, and I returned later, at around 5.00 pm. When I arrived, Kellie told me that an older man had been trying to look into our Property earlier in the day and that he had told her he was "*the Borghesi's neighbour*". We discussed the need to install security cameras around the Property at that time.

Thursday 9 January 2025

49. On 9 January 2025, Kellie and I arrived at the Property at 9.00am for a meeting that had been arranged with another assessor sent by the RACV, Sue Gaylard. Ms Gaylard was more senior to and more experienced than the assessor who had attended the Property on 7 January 2025. She arrived with a builder whose name I cannot recall, and they carried out an initial inspection and assessment of the Property. Whilst that was occurring, at around 9.34 am, I sent Ms Gaylard photographs that I had taken in the preceding days of the damage to the Property.
50. Annexed and marked "**NM-7**" are my text messages to Ms Gaylard.
51. At around 10.30 am, Mr Glover also arrived at the Property with two apprentices and a builder. Mr Glover had contacted me earlier to tell me that he wanted to speak to me about his assessment of the Property and provide me with a document listing action items in relation to the Property. On arrival, Mr Glover handed me a hardcopy engineer's report. I asked Mr Glover for an electronic copy of the report and Ms Gaylard made the same request. Mr Glover stated to me, "*no, this is your copy*". I subsequently scanned the report and sent an electronic copy of it to Ms Gaylard.
52. A copy of the report is annexed to this Statement and marked "**NM-8**".
53. Immediately after Mr Glover handed the report to me, Kellie and I skimmed the report briefly, but did not read it in any detail. I did not understand the report in its entirety, given it was an engineer's report, but Kellie and I stood with Mr Glover and Ms Gaylard in the living room on the second floor of the Property to discuss the following action items which I understood had come from the report. The action items had been devised by the Council and were for the RACV to complete:
 - (a) Creating another diversion for the water coming through our Property. The diversion that had been put in place by the VicSES between 5 and 6 January 2025 had not held and water was again flowing through the house. Mr Glover suggested removing our deck to install pipes that would bring the water out of the house and direct it to a drain on Penny Lane.
 - (b) Removing the dirt that had built up at the back of our Property. Mr Glover told us that he believed the retaining wall at the back of our Property was still intact, but that there was a build up of dirt and rubble in between the retaining wall and our house. He told us that he was concerned that the dirt would have nowhere to go if there was another landslide. This was the first mention of any such risk.

- (c) Using shipping containers to fortify the retaining wall at the front of our Property. Mr Glover was concerned about the amount of water coming from our Property placing pressure on the front retaining wall. Mr Glover told us that he and Mr Pope had devised a plan to use shipping containers to further strengthen the retaining wall. Ms Gaylard told us later she disagreed with the use of shipping containers on the basis that it did not appear possible to safely bring any shipping containers up onto our Property.
54. At some point during the conversation, Ms Gaylard asked Mr Glover if they could have a private discussion and they left the room and walked downstairs to the front of the Property. I do not know what they discussed.
55. I recall the builder who accompanied Ms Gaylard commenting at one point, that the Property was well built but that the footings under the ensuite to the master bedroom appeared to have been "*sheared off*" during the 5 January 2025 landslide. I did not understand the importance of that statement at that time.
56. At around 5.00 pm that day, Mr Glover phoned me to ask me if I would contact Mr Borghesi from 10-12 View Point Road because he wanted to access our Property. I phoned Ms Gaylard to ask her views on giving Mr Borghesi access to the Property and she told me that no one should be allowed on the Property because it was unsafe. She suggested that if Mr Borghesi wanted access to the Property, he should attend when Ms Gaylard and I were present. She then told me that she had had previous dealings with Mr Borghesi in the context of the 2022 landslide. Ms Gaylard's tone suggested there may have been some animosity between her and Mr Borghesi, but I did not know why. In any case, I sent Mr Borghesi a text message at 5.16 pm on 9 January 2025, stating:
- Hi, Matt Glover from MPS has given me your number as the owner of 10-12 View Point as you are wanting access to our property. We have asked our insurer but they have declined the request due to safety concerns at this time.*
57. Mr Borghesi responded shortly after, stating:
- Ok thanks for that. Maw civil are on our property on penny lane, we will not enter your property.*
58. A copy of my text message to Mr Borghesi and Mr Borghesi's response is annexed to this Statement and marked "NM-9".

Friday 10 January 2025

59. I arrived at the Property at around 9.00 am on 10 January 2025, and met Mr Glover and his apprentice there. Ms Gaylard arrived shortly after with leak detection personnel and carpenters. I understood Ms Gaylard wanted to carry out her own investigations as to the source of the water and the carpenters had been sent by the RACV to implement the water diversion plan Mr Glover had devised and advised us of the previous day. The carpenters began to remove boards from our deck and were to place a pipe in the space they created, to direct the flow of water through the pipes and toward the front retaining wall on our Property. From there, the water was to naturally run down to the drains on Penny Lane.
60. I left the Property while Ms Gaylard remained there with the leak detection personnel and the carpenters.
61. Shortly after, Ms Gaylard phoned me to advise that she disagreed that the water coming into our Property was coming from a natural spring. Rather, she believed the water was coming from a pipe underneath a newly constructed retaining wall at 10-12 View Point Road, at the back of our Property. Ms Gaylard told us that she took photographs of the pipe, and I asked her to provide us with copies of the same, but I did not receive those photographs from Ms Gaylard.
62. At this point, I became suspicious about what information the Council was providing to us as to the cause of the landslide and the ongoing water issues at the Property. I was relying on Mr Glover and Ms Gaylard to provide me with accurate information to the extent possible. I was very concerned that they disagreed about what seemed to me to be a major issue and I began to feel as though both the Council and the RACV were only telling me the information that was most beneficial to them.

Saturday 11 January 2025

63. On 11 January 2025, whilst at the Property, I noticed that there was water breaching the retaining wall at the front of our Property. I took a photograph of it and at around 11.14 am, I sent the photograph to Ms Gaylard via text message and stated:

... sorry to bother you on a Sat but it looks like the diversion fix was working but no longer. Coming back down the retaining wall again.

64. Ms Gaylard responded confirming she would arrange for someone to attend the site on Monday.

65. A copy of my text message to Ms Gaylard is annexed to this Statement and marked 'NM-10'.
66. I also took a video recording of the water flow on my mobile phone. It shows the flow of water to be the same as the previous day, to my eyes. A copy of the video recording is annexed and marked "NM-11".

Monday 13 January 2025

67. At around 9.57 am on 13 January 2025, I sent a text message to Mr Glover asking for an update on the source of the water at our Property and whether rainfall from the previous night had made it worse. Mr Glover phoned me and we had a brief discussion about the overnight rain, but I do not recall what he said about whether or not the rain had further affected our Property. Mr Glover otherwise asked me whether I had made any arrangements to have shipping containers brought onto the Property. I told Mr Glover that I would ask Ms Gaylard her views on the shipping containers and revert to him. Mr Glover told me he would be attending the Property at 8.30 am the following morning.
68. At around 12.15 pm, Kellie and I spoke with Ms Gaylard on the phone and she again reiterated that she believed the source of the water to be a pipe located underneath the retaining wall at 10-12 View Point Road. Ms Gaylard explained that she did not think the water was coming from a natural spring, because its flow had been consistent. She told us that if the water had been coming from a natural spring, it would most likely have slowed or speeded up, in accordance with the ebb and flow of the spring. I told Ms Gaylard that Mr Glover had been asking whether we intended to have shipping containers brought to the Property and I asked her to liaise directly with Mr Glover in that regard.
69. At around 4.17 pm, Ms Gaylard phoned me to confirm that she had spoken with Mr Glover and they were dealing with the issue. I heard nothing further from Ms Gaylard or Mr Glover that day.
70. The flow of water onto our Property did not appear to me to have changed in the period since after the landslide on 5 January 2025.

Tuesday 14 January 2025

71. At around 9.15 am on 14 January 2025, I received a text message from a friend of mine who was a volunteer with the VicSES in an area nearby to McCrae. The text message stated, "I heard there was a landslide on Penny Lane, hope that's not your house". I

responded stating that the landslide had occurred the previous week, and received a response stating "*no, this morning*".

72. I then made a series of phone calls, first to Paul Willigenburg at 9.22 am, then to Ms Gaylard at 9.24 am, and then to Mr Glover at 9.25 am, to try to find out whether our Property had been affected. I did not receive any phone calls from the Council, the VicSES or Victoria Police alerting me to the landslide at that time. I received a return phone call from Mr Willigenburg at 9.29 am and he told me that our whole Property had come down and that he had pulled Mr Glover out of the rubble.
73. I immediately phoned Kellie who was not home at the time, and told her what Mr Willigenburg had told me. Kellie came home within around 15 minutes, and we both got into our car and drove to McCrae. We fielded several phone calls and text messages during the drive, and were listening to news reports about what had occurred on the radio. I was in shock at the time.
74. Kellie and I arrived at the road closure that had been set up as a result of the landslide at around 10.19 am and were prevented from entering the vicinity of the Property by police officers. I made a phone call to Mr Daw at that time and told him that Kellie and I were at the roadblock and unable to enter. Mr Daw told me he would contact the police officers and ask them to allow us entry. Shortly after, the police officers permitted Kellie and I to enter the area and Mr Daw directed us to a tent that appeared to have been set up by the VicSES. I was very concerned about whether any persons had been in the Property when the landslide had occurred and whether anyone had been injured. I asked several questions to that effect though I cannot now recall the specifics of those conversations.
75. At around 10.27 am, I missed a phone call from a private phone number, and at around 11.10 am, I missed another phone call from a landline phone number. I returned that phone call at around 11.23 am and the person I spoke with was from the Council. I do not know the name or position of the person I spoke with, but they told me that my Property was in the area impacted by the landslide and that a relief centre had been established, if I required any assistance. The person I spoke with did not know that I was one of the owners of the Property that had collapsed.
76. I do not recall what time I first spoke with a representative from the Council about my Property having collapsed, on 14 January 2025.

Dated:

Irrelevant & Sensitive

Nicholas James Moran